

Message

From: Hicks, Matt [Hicks.Matthew@epa.gov]
Sent: 12/20/2018 2:59:43 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]
CC: Ghosh, Mita [Ghosh.Mita@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]
Subject: FL Assumption Status

Leif,

The EPA assumption team had a follow-up call with FDEP on Monday to continue discussions on expedited rulemaking. FDEP said incorporation by reference (IBR) of the MOA would be insufficient to trigger their expedited rulemaking procedures so it appears that IBR of the retained waters list (RWL) is the “ask” at this point. FDEP has already asked the Corps if they would publish the RWL and the Corps’ response was that they don’t believe they have the statutory authority to publish the RWL which is why FDEP continues to pursue this with EPA. I’ve talked with Simma and I think we both agree

Ex. 5 AC/DP

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On the 5-way MOA, Region 4 assisted OGC with preparing briefing papers on 404 Assumption and the 5-way MOA to be used for ongoing discussions between EPA leadership and the DOI Secretary’s Office. Region 4 has no information on next steps for the 5-way MOA at this time.

The status remains the same on the state rulemaking (i.e., rule is still with FDEP Secretary’s office) and no progress has been made on the other assumption deliverables. In terms of percent completeness, the usual caveats apply about these being rough estimates of deliverable completeness including how far along we are to getting review/signatures/buy-in from necessary parties.

- Letter from Governor requesting program approval Ex. 5 Deliberative Process (DP)
- Complete program description Ex. 3 Deliberative Process (DP)
- Attorney General’s statement Ex. 5 Deliberative Process (DP)
- EPA/DEP MOA Ex. 6 Deliberative Process (DP)
- Corps/DEP MOA Ex. 5 Deliberative Process (DP)
- Copies of all applicable state statutes and regulations, including those governing applicable state administrative procedures Ex. 5 Deliberative Process (DP)

The 5-way MOA is not a required component per the 404 assumption regulations but it is something that will be part of FL’s program so we’ve attempted to assign it a completeness number as well.

- 5-way MOA Ex. 4 Deliberative Process (DP)